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Lilith Games (Shanghai) Co. Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Lilith Games (Shanghai) Co. Ltd.,

Plaintiff,

v.

uCool, Inc. and uCool Ltd.,

Defendants.

Case No. 15-cv-01267-SC

**DECLARATION OF ZHANG ZHENXIN
IN SUPPORT OF PLAINTIFF’S MOTION
FOR PRELIMINARY INJUNCTION**

[Fed. R. Civ. P. 65]

**Date: June 26, 2015
Time: 10:00 a.m.
Courtroom: 1, 17th Floor
Before: The Hon. Samuel Conti**

1
2 1. My name is Zhang Zhenxin, and I am over the age of twenty-one (21) years, of sound
3 mind, and fully competent to testify in this cause.

4 2. I am the head of client-side game development at Lilith Games (Shanghai) Co. Ltd.
5 ("Lilith"). In that role, I was involved in and have personal knowledge of the development of
6 Lilith's game Dao Ta Chuan Qi in Chinese (literally meaning "the legend of sword and tower")
7 ("Sword and Tower"), including the creation of the source code embodied therein. I am also
8 familiar with the number of employees that have worked to draft the source code in Sword and
9 Tower, as well as Lilith's efforts to maintain that code as confidential. As a result, I have personal
10 knowledge that all facts set forth in this declaration are true and correct.
11

12 3. Sword and Tower was developed by Lilith's founders and employees from
13 approximately January 2013 to its launch in China on December 25, 2013, and its release on the
14 Apple App Store on February 25, 2014. During the development process, Lilith's employees
15 determined the rules that would govern the game. An example of those rules would be the damages
16 meter for the heroes and monsters, how a player would obtain rewards, how a player would advance
17 in the game, and how different areas would be unlocked for access by the player. Lilith's employees
18 also graphically designed the scenes and characters included in Sword and Tower.
19

20 4. Lilith's employees were also responsible for authoring the source code that
21 implements Lilith's development of Sword and Tower. To create the game and implement Lilith's
22 development efforts, Lilith's programmers authored approximately 240,000 lines of code written in
23 the programming language Lua. That code originally authored by Lilith's employees is separate
24 from the other code that is included in Sword and Tower, which is open source or otherwise publicly
25 available. For example, when Sword and Tower is downloaded from the App Store, the download
26 package contains three parts: (1) the game written by Lilith in Lua; (2) the open-source engine
27 Cocos2d-x, of which there is approximately 1,737,487 lines of source code; and (3) the SDK
28

1
2 provided by Apple.

3 5. In writing software code, there are a number of different ways in which the code can
4 be created. Thus, the code authored by Lilith's employees in Lua is considered to be Lilith's
5 original and confidential business information. Lilith has always maintained its software code
6 authored for Sword and Tower as confidential. As of the date of this declaration, only 21 employees
7 have had access to Lilith's source code embodied in Sword and Tower, and 19 of those employees
8 are still currently employed full-time with Lilith. Of the two employees that are no longer with the
9 company, one was a co-founder of Lilith. He left Lilith approximately two months after Lilith was
10 founded and before the vast majority of the source code from Sword and Tower was authored.
11 Further, he knew at all times that the source code being developed by Lilith constituted propriety and
12 confidential information.
13

14 6. The other former employee that had a password to access Lilith's source code only
15 worked with Lilith for one month in 2014. In addition to only being there a very short time, that
16 employee also signed an employment agreement that contained a confidentiality clause, expressly
17 prohibiting the disclosure Lilith's source code or other proprietary information to any third party.
18 Similarly, each of the other 19 employees that have had access to Lilith's source code and are still
19 employed by Lilith have signed confidentiality agreements. Those agreements each expressly
20 prohibit the applicable employee from, among other things, disclosing Lilith's source code to anyone
21 outside of Lilith. Those agreements also make clear that any source code drafted during the course
22 of their employment with Lilith constitutes the exclusive property of and is owned entirely by Lilith.
23

24 7. Lilith has at no time engaged sub or independent contractors to create the source code
25 embodied in Sword and Tower.
26

27 8. The source code created by Lilith's employees has all times been maintained on a
28 secure password-protected system. In particular, Lilith maintains its source code on a system called

1
2 "P4." Using the P4 system, Lilith's software code cannot be accessed without employee-specific
3 credentials. The credentials necessary to access the P4 system have only been given to the
4 employees mentioned above, and again, those employees were prohibited from distributing those
5 credentials to any third party or even any other Lilith employee.
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3 Under the laws of the United States, I declare under the penalty of perjury that the foregoing
4 is true and correct.
5

6
7 Dated

2015-5.4

张振新
Zhang Zhenxin
Lilith Games (Shanghai) Co., Ltd.